

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA**

**Docket No. 2003-326-C**

IN RE:

Analysis of Continued Availability of	)	<b>MOMENTUM BUSINESS</b>
Unbundled Local Switching for Mass	)	<b>SOLUTIONS, INC.'S</b>
Market Customers Pursuant to the Federal	)	<b>RESPONSES TO BELL SOUTH'S</b>
Communication Commission's Triennial	)	<b>FIRST SET OF</b>
Review Order	)	<b>INTERROGATORIES</b>

Subject to the General Objections filed with the South Carolina Public Service Commission on or about November 1, 2003, Momentum Business Solutions, Inc. (hereinafter "Momentum") submits the following responses to BellSouth Telecommunications, Inc.'s (hereinafter "BellSouth") First Set of Interrogatories to Momentum, as follows:

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 1: Identify each switch owned by Momentum that Momentum uses to provide a qualifying service anywhere in South Carolina, irrespective of whether the switch itself is located in the state and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch.)

**Response:** Subject to the following, none. To the extent that the definitions of “qualifying service” and “non-qualifying service” as defined by BellSouth in BellSouth’s First Set of Interrogatories to Momentum are different than the definitions of “qualifying” and “non-qualifying” service as defined in 47 C.F.R. § 51.5, this interrogatory is vague. Specifically, 47 C.F.R. § 51.5 defines a “qualifying service” as “a telecommunications service that competes with a telecommunications service that has been traditionally the exclusive or primary domain of incumbent local exchange carriers (“ILECs”), including, but not limited to, local exchange service, such as plain old telephone service (“POTS”), and access services, such as digital subscriber line services and high capacity circuits.” “Non-qualifying services” are defined as services that are “not qualifying service[s].” Id. Subject to the foregoing, and without waiving any objection, Momentum will construe the terms contained in this interrogatory, and all other interrogatories, in accordance with 47 C.F.R. § 51.5 and applicable law and consider all traditional local and long distance telecommunications service as a “qualifying” service and all voicemail and DSL as “non-qualifying” service.

**REQUEST:** BellSouth First Set of Interrogatories

**DATED:** December 17, 2003

**Interrogatory 2:** For each identified response in Interrogatory No. 1, please:

- (a) provide the Common Language Location Identifier ("CLLI") code of the switch;
- (b) provide the street address, including the city and state in which the switch is located;
- (c) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) state the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) state the number of voice-grade equivalent lines the switch is currently serving based on the switch's existing configuration and component parts; and
- (f) provide information relating to the switch as contained in Telcordia's Local Exchange Routing Guide ("LERG"); or, state if the switch is not identified in the LERG.

**Response:** See response to Interrogatory No. 1, *supra*.

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Interrogatory 3: Identify any other switch not previously identified in Interrogatory No. 1 that Momentum uses to provide a qualifying service anywhere in South Carolina, irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch.) In answering this Interrogatory, do not include ILEC switches used by Momentum either on an unbundled or resale basis.

**Response: Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth.**

**Subject to the foregoing, none.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 4: For each switch identified in response to Interrogatory No. 3, please:

- (a) Identify the person that owns the switch;
- (b) Provide the Common Language Location Identifier ("CILLI") code of the switch;
- (c) Provide the street address, including the city and state in which the switch is located;
- (d) Identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (e) Describe in detail the arrangement by which you are making use of the switch, including stating whether you are leasing the switch or switching capacity on the switch;
- (f) Identify all documents referring or relating to the rates, terms and conditions of Momentum use of the switch;
- (g) Provide information relating to the switch as contained in Telcordia's Local Exchange Routing Guide ("LERG"); or, state if the switch is not identified in the LERG;

**Response:** Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth.

**Subject to the foregoing, none.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 5: Identify by name, address and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in South Carolina utilizing any of the switches identified in response to Interrogatory No. 1. If you assert that you do cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

**Response: Momentum incorporates by reference its response to Interrogatory No.1 as if fully set forth.**

**No switches were identified in response to Interrogatory No. 1**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 6: For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory #1.

**Response: Momentum objects on the grounds that the request seeks discovery of documents that are unrelated to the analysis the South Carolina Public Service Commission will conduct, irrelevant to the issues in the case, and not reasonably calculated to lead to the discovery of admissible evidence, inasmuch as the FCC ruled that the impairment analysis is not to be based on individual carriers' business models. Momentum also objects on the grounds the request seeks the disclosure of confidential and proprietary business information.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 7: With regard to the voice grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 6, separate the lines by end user and end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
- (b) The number of end user customers to whom you provide two (2) voice grade equivalent lines;
- (c) The number of end user customers to whom you provide three (3) voice-g grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice- grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice- grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice- grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines;
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines.

Response: Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth.

Subject to the foregoing, none.



REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 8: Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in South Carolina utilizing any of the switches identified in response to Interrogatory No. 3. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user is located.

Response: **Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth.**

**Subject to the foregoing, none.**

REQUEST: Bellsouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 9: For each ILEC wire center identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory No. 3.

Response: **Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth.**

**Subject to the foregoing, none.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 10: With regard to the voice-grade equivalent lines identified by ILEC wire center area (or LEC exchange) in response to Interrogatory No. 9, separate the lines by end user and end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent lines;
- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent line;
- (c) The number of end user customers to whom you provide three (3) voice- grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice- grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice- grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice- grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice- grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice- grade equivalent lines;
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

Response: Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth.

Subject to the foregoing, none.



REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 11: Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in South Carolina using an ILEC's switch either on an unbundled or resale basis. If you assert that you cannot identify or do not know how to ascertain the boundaries for a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

**Response:** Upon issuance of a Protective Order by the South Carolina Public Service Commission, this Response, deemed confidential, will be forwarded pursuant to the terms of said Order.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 12: For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center using an ILEC's switch either on an unbundled or resale basis.

**Response: Momentum incorporates by reference its response to Interrogatory No.1 as if fully set forth.**

**Subject to the foregoing, Momentum objects to Interrogatory No. 12 on grounds that, because BellSouth provides each switch that Momentum uses to provide service, the information sought by Interrogatory No. 12 is already within BellSouth's possession, and possibly more accurate than that provided by Momentum.**

**Upon issuance of a Protective Order by the South Carolina Public Service Commission, this Response, deemed confidential, will be forwarded pursuant to the terms of said Order.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 13: With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory No. 12, separate the lines by end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent line;
- (c) The number of end user customers to whom you provide three (3) voice- grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice- grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice- grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice- grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines;
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

Response: Momentum incorporates by reference its response to Interrogatory No.1 as if fully set forth.

Subject to the foregoing, Momentum objects on the grounds that the request seeks discovery of documents that are unrelated to the analysis the South Carolina Public Service Commission will conduct, irrelevant to the issues in the case,

**and not reasonably calculated to lead to the discovery of admissible evidence, inasmuch as the FCC ruled that the impairment analysis is not to be based on individual carriers' business models. Momentum also objects on the grounds the request seeks the disclosure of confidential and proprietary business information.**



REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 14: Do you offer to provide or do you provide switching capacity to another local exchange carrier for its use in providing qualifying service anywhere in the nine states of the BellSouth region? If the answer to this Interrogatory is in the affirmative, for each switch that you use or provide such switching capacity, please:

- (a) Provide the Common Language Location identifier ("CLLI") code of the switch;
- (b) Provide the street address, including the city and state in which the switch is located;
- (c) Identify the type of switch by manufacturer and model (e.g., Nortel DMS 100.)
- (d) State the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) State the number of voice-grade equivalent lines the switch is currently serving, based on the switch's existing configuration and component parts; and
- (f) Identify all documents referring to or relating to the rates, terms and conditions of Momentum Business Solutions provision of switching capability.

**Response:** Specifically with respect to subpart (f), Momentum objects on the basis that this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

**Momentum incorporates by reference its response to Interrogatory No. 1, as if fully set forth. Subject to the foregoing, and without waiving any objections, Momentum does not offer wholesale unbundled switching to other carriers.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 15: Identify every business case in your possession, custody or control that evaluates, analyzes or otherwise refers or relates to the offering of a qualifying service using:

(1) the Unbundled Network Element Platform (UNE-P), (2) self-provisioning switching, (3) switching obtained from a third party provider other than an ILEC, or (4) any combination of these items.

**Objection:** Momentum objects to this interrogatory to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence.

Pursuant to the Proposed Initial Procedural Order approved by the Commission on December 11, 2003, South Carolina Code Ann. Regs. 103-854, and Rule 34 of the South Carolina Rules of Civil Procedure, the Triennial Review Order, to the extent that this interrogatory requests specific financial, business or proprietary information regarding Momentum economic business model, Momentum objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon Momentum economic business model instead of the hypothetical business model contemplated by the Triennial Review Order. The Triennial Review Order explicitly contemplates that in considering whether a competing carrier economically can compete in a given market without access to a particular unbundled network element, the Commission must consider the likely revenues and costs associated with the given market based on the *most efficient business model* for entry rather than to a *particular carrier's business model*. TRO at ¶ 326. In particular, the FCC stated:

In considering whether a competing carrier could economically serve the market without access to the incumbent's switch, the state commission must also consider the likely revenues and costs associated with local exchange mass market service . . . The analysis must be based on the *most efficient*

*business model for entry rather than to any particular carrier's business model.*

Id. [Emphasis Added] Additionally, with respect to economic entry, in ¶ 517, the FCC stated that “. . . [t]he analysis must be based on the most efficient business model for entry rather than to any particular carrier's business model.” Furthermore, in Footnote 1579 of Paragraph 517, the FCC clarified that “. . . [s]tate commissions should not focus on whether competitors operate under a cost disadvantage. State commissions should determine if entry is economic by conducting a business case analysis for an *efficient entry*.” [emphasis added]

In addition to these statements, the FCC also made numerous other references to the operations and business plans of an efficient competitor, specifically rejecting a review of a particular carrier's business plans or related financial information. See, ¶ 84, Footnote 275 (“Once the UNE market is properly defined, impairment should be tested by asking whether *a reasonable efficient CLEC* retains the ability to compete even without access to the UNE.”) (citing BellSouth Reply, Attach 2, Declaration of Howard A. Shelanski at ¶2(emphasis added)). See also, TRO at ¶115; ¶469; ¶485, Footnote 1509; ¶517, Footnote 1579; ¶519, Footnote 1585; ¶520, Footnotes 1588 and 1589; ¶581, and Footnote 1788.

Accordingly, the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient “model” competitor* and not that of Momentum or any other *particular competitor*. As a result, discovery of Momentum financial information or business plans will not lead to the discovery of admissible evidence in this proceeding.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 16: Identify any documents that you have provided to any of your employees or agents, or to any financial analyst, bank or other financial institution, shareholder or any other person that describes, presents, evaluates or otherwise discusses in whole or part, how you intend to offer or provide local exchange service, including but not limited to such things as the markets in which you either do participate or intend to participate, the costs of providing such service, the market share you anticipate obtaining in each market, the time horizon over which you anticipate obtaining such market share, and the average revenues you expect per customer.

**Objection:** Momentum objects to Interrogatory No. 16 on the grounds it seeks information that is irrelevant to the issues in this case, and is not reasonably calculated to lead to the discovery of admissible evidence, inasmuch as the FCC has determined in the Triennial Review Order that the impairment analysis to be conducted by the South Carolina Public Service Commission not to be based on individual carriers business models. Momentum further objects on the grounds the interrogatory seeks discovery of proprietary and confidential business information.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 17: If not identified in response to a prior Interrogatory, identify every document in your possession, custody, or control referring or relating to the financial viability of self-provisioning switching in your providing qualifying services to end user customers.

**Objection**                      **Momentum objects to the request for all documents on the grounds that such request would be overbroad and unduly burdensome. Momentum also objects on the grounds that the request seeks confidential and proprietary business information.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 18: Do you have switches that are technically capable of providing, but are not presently being used to provide, a qualifying service in South Carolina? If the answer to this interrogatory is in the affirmative, please:

- (a) Provide the Common Language Location Identifier ("CLLI") code of the switch;
- (b) Provide the street address, including the city and state in which the switch is located;
- (c) Identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) State the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) State the number of voice-grade equivalent lines the switch is currently serving, based on the switch's existing configuration and component parts; and
- (f) Identify any documents in your possession, custody or control that discuss, evaluate, analyze or otherwise refer or relate to whether those switches could be used to provide a qualifying service in South Carolina.

Response: Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth.

Subject to the foregoing, no.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 19: Identify each MSA in South Carolina where you are currently offering a qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, resale or in some other fashion.

**Response: Upon issuance of a Protective Order by the South Carolina Public Service Commission, this Response, deemed confidential, will be forwarded pursuant to the terms of said Order.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 20: If you are offering a qualifying service outside of the MSAs identified in response to Interrogatory 19, identify those geographic areas either by describing those areas in words or by providing maps depicting those areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, or resale.

**Response:** Upon issuance of a Protective Order by the South Carolina Public Service Commission, this Response, deemed confidential, will be forwarded pursuant to the terms of said Order.



REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 21: Describe with particularity the qualifying services that you offer in the geographic areas described in response to Interrogatories 19 and 20, including the rates, terms, and conditions under which such services are offered. If the qualifying services you offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the geographic areas and identifies the relevant rates, terms and conditions for such areas, it will be a sufficient answer to identify the web site. It will not be a sufficient response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms, and conditions upon which such service is provided.

**Response: Momentum incorporates its response to Interrogatory No. 1. Subject to the foregoing, qualifying services offered by Momentum "including the rates, terms, and conditions under which services are offered" can be found in Momentum publicly available tariffs on file with the South Carolina Public Service Commission.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 22: Identify each MSA in South Carolina where you are currently offering a non-qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, or resale, or in some other fashion.

**Response: Upon issuance of a Protective Order by the South Carolina Public Service Commission, this Response, deemed confidential, will be forwarded pursuant to the terms of said Order.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 23: If you offer a non-qualifying service outside of the MSAs identified in response to Interrogatory 22, identify those geographic areas either by describing those areas in words or by providing maps depicting the geographic areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, resale or in some other fashion.

**Response:** Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth.

CILLI	CITY
DRTNSCMA	Darlington
HTVLSCMA	Hartsville
MARNSCBN	Marion Brittons Neck
MARNSCMA	Marion Main
MLNSSCWP	Mullins
NWBYSMA	Newberry
ORBGSCMA	Orangeburg
SCHLSCES	Society Hill
SENCSCMA	Seneca Main
TKNASCST	Seneca Tokeena

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DATED: December 17, 2003

Interrogatory 24: Describe with particularity the non-qualifying services that you offer in the geographic areas described in response to Interrogatories 22 and 23, including the rates, terms, and conditions under which such services are offered. If the non-qualifying services you offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the geographic areas and identifies the relevant rates, terms and conditions for such areas, it will be a sufficient answer to identify the web site. It will not be a sufficient response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms, and conditions upon which such service is provided.

**Response:** Momentum incorporates its responses to Interrogatory No. 1, as if fully set forth herein. Given the vague and indefinite definition of non-qualifying services, Momentum cannot provide a description of all of the non-qualifying services it offers.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 25: Please state the total number of end user customers in the State of South Carolina to whom you only provide qualifying service.

**Response: Momentum incorporates its responses to interrogatory No. 1.**

**Upon issuance of a Protective Order by the South Carolina Public Service Commission, this Response, deemed confidential, will be forwarded pursuant to the terms of said Order.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 26: For those end user customers to whom you provide qualifying service in the state of South Carolina, please state the average monthly revenues you receive from each end-user customer.

**Objection:** Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth. Further, Momentum incorporates its objection to Interrogatory No. 15, *supra* and reiterates that the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of Momentum's or any other *particular competitor*. As a result, discovery of Momentum financial information or business plans will not lead to the discovery of admissible evidence in this proceeding.

Upon issuance of a Protective Order by the South Carolina Public Service Commission, this Response, deemed confidential, will be forwarded pursuant to the terms of said Order.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 27: For those end user customers to whom you only provide qualifying service in the State of South Carolina, please state the average number of lines that you provide each such end user customer.

**Response: Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth. Subject to the foregoing, and without waiving any objection, Momentum objects to Interrogatory No. 27 on the grounds it requests confidential and proprietary business information. Further, Momentum objects because the Interrogatory is ambiguous and unclear. Momentum interprets the Interrogatory to refer to an aggregate number. If so, and notwithstanding any other objections, 1.6. If BellSouth intends to require Momentum to calculate average lines for each customer, then Momentum objects on the grounds that the request is unduly burdensome and oppressive, and goes beyond any legitimate discovery need. Momentum also objects on the grounds it seeks information that is irrelevant to the issues in this case and is not reasonably calculated to lead to the discovery of admissible evidence, given the FCC's ruling in the Triennial Review Order that the impairment analysis is not to be based on individual carriers' business models.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 28: Please state the total number of end user customers in the State of South Carolina to whom you provide only non-qualifying service.

**Response: Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth herein. Subject to the foregoing, and without waiving any objection, 0.**



REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 29: For those end user customers to whom you only provide non-qualifying service in the State of South Carolina, please state the average monthly revenues you receive from each such customer.

**Objection:** Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth. Further, Momentum incorporates its responses to Interrogatory No. 15, *supra* and reiterates that the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of Momentum or any other *particular competitor*. As a result, discovery of Momentum financial information or business plans will not lead to the discovery of admissible evidence in this proceeding. Notwithstanding, see response to Interrogatory 28.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 30: Please state the total number of end user customers in the State of South Carolina to whom you provide both qualifying and non-qualifying service.

**Response: Momentum incorporates by reference its response to Interrogatory No.1 as if fully set forth.**

**Upon issuance of a Protective Order by the South Carolina Public Service Commission, this Response, deemed confidential, will be forwarded pursuant to the terms of said Order.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 31: For those end user customers to whom you provide qualifying and non-qualifying service in the State of South Carolina, please state the average monthly revenues you receive from each such end user customer

**Objection:** Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth. Momentum incorporates its responses to Interrogatory No 15, *supra* and reiterates that the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of Momentum or any other *particular competitor*. As a result, discovery of Momentum financial information or business plans will not lead to the discovery of admissible evidence in this proceeding.

Upon issuance of a Protective Order by the South Carolina Public Service Commission, this Response, deemed confidential, will be forwarded pursuant to the terms of said Order.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 32: For those end user customers to whom you provide qualifying and non-qualifying service in the State of South Carolina, please state the average number of lines that you provide each customer.

**Response: Momentum incorporates by reference its response to Interrogatory No. 1 as if fully set forth. Momentum has no information responsive to this request.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 33: Please provide a breakdown of the total number of end user customers served by Momentum in South Carolina by class or type of end user customers (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers. For each such classification, and/or if you provide another type of classification, define and describe with specificity that classification so that it can be determined what kinds of customers you have in each classification.)

**Response: Momentum objects to Interrogatory No. 33 on the grounds it request confidential and proprietary information. Momentum also objects on the grounds it seeks information that is irrelevant to the issues in this case and is not reasonably calculated to lead to the discovery of admissible evidence, given the FCC's ruling in the Triennial Review Order that the impairment analysis is not to be based on individual carriers' business models.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 34: For each class or type of end user customer referenced in Interrogatory No. 33, please state the average acquisition cost for each such end user class or type. Please provide this information for each month from January 2000 to the present.

**Objection:** Momentum incorporates its responses to Interrogatory #15, *supra* and reiterates that the FCC's TRO specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of Momentum or any other *particular competitor*. As a result, discovery of Momentum financial information or business plans will not lead to the discovery of admissible evidence in this proceeding.

Furthermore, the TRO specifically mentions that one consideration of the economic impairment analysis is the potential cost of market entry to the hypothetical "efficient entrant," including the cost of customer acquisitions. See, TRO at ¶520. Accordingly, the "average acquisition cost" to Momentum specifically for a particular user class or type is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Upon issuance of a Protective Order by the South Carolina Public Service Commission, this Response, deemed confidential, will be forwarded pursuant to the terms of said Order.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 35: For each class or type of end user customer referenced in Interrogatory No. 33, please state the typical churn rate for each such end user class or type. Please provide this information for each month from January 2000 to the present.

**Objection:** Momentum incorporates its responses to Interrogatory No 15, *supra* and reiterates that the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of Momentum or any other *particular competitor*. Furthermore, it should be noted that the TRO specifically mentions that one consideration of the economic impairment analysis is the potential "impact of churn on the cost of customer acquisitions" for the hypothetical "efficient entrant". Accordingly, Momentum "typical churn rate" for a particular user class or type is not relevant or reasonably calculated to lead to the discovery of admissible evidence. See, TRO at ¶520.

Upon issuance of a Protective Order by the South Carolina Public Service Commission, this Response, deemed confidential, will be forwarded pursuant to the terms of said Order.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 36: For each class or type of end user customer referenced in Interrogatory No. 33, please state the share of the local exchange market that you have obtained. Please provide this information from January 2000 to the present.

**Response: Momentum, like BellSouth, relies on industry publications assessing "market shares." Upon information and belief, BellSouth has possession, custody, or control of those same industry publications. Notwithstanding, Momentum believes it has obtained less than 1% of the local exchange market.**



REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 37: Identify any documents in your possession, custody or control that evaluate, discuss or otherwise refer or relate to your cumulative market share of the local exchange market in South Carolina.

**Response: Momentum, like BellSouth, relies on industry publications assessing "market shares." Upon information and belief, BellSouth has possession, custody, or control of those same industry publications.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 38: Identify any documents in your possession, custody or control that evaluate or otherwise refer or relate to any projections that you have made regarding your cumulative market share growth in the local exchange market in South Carolina.

Response: **Momentum incorporates its objection to Interrogatory No. 15, *supra*.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 39: Describe how the marketing organization that is responsible for marketing qualifying service in South Carolina is organized, including the organization's structure, size in terms of full-time or equivalent employees, including contract and temporary employees, and the physical work locations for such employees. In answering this Interrogatory, please state whether you utilize authorized sales representatives in your marketing effort in South Carolina, and, if so, describe with particularity the nature, extent, and rates, terms, and conditions of such use.

Response: **Momentum incorporates its objection to Interrogatory No. 15, *supra*.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 40: How do you determine whether you will serve an individual customer's location with multiple DS0s or whether you are going to use a DS1 or larger transmission system? Provide a detailed description of the analysis you would undertake to resolve this issue, and identify the factors you would consider in making this type of decision.

**Response:** Momentum incorporates its objection to Interrogatory No. 15, *supra*. The key factor in this decision is what the customer wants and needs for their communication services. If a customer has multiple DS0s and wants to convert the service as is, regardless of the number of DS0s that would be our preference. If a customer wants to make changes and requests a DS1 service, we would provide a DS1. We do not provide local service higher than the DS1 bandwidth.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 41: Is there a typical or average number of DSOs at which you would choose to serve a particular customer with a DS1 or larger transmission system? All other things being equal? If so, please describe that typical or average number and explain how that number was derived.

**Response: Momentum incorporates its objection to Interrogatory No. 15, *supra*. The choice to service a customer with a DS1 rather than multiple DS0s would be the customer's choice.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 42: What additional equipment, if any, would be required (on the customer's side of the demarcation point rather than on the network side of the demarcation point) to provide service to a customer with a DS1 rather than multiple DS0s? For instance, if a customer had 10 DS0s and you want to provide the customer with the same functionality using a DS1, would a D-4 channel bank, or a digital PBX be required in order to provide equivalent service to the end user that has 10 DS0s? If so, please provide the average cost of the equipment that would be required to provide that functional equivalency (that is, the channel bank, or the PBX or whatever would typically be required should you decide to serve the customer with a DS1 rather than multiple DS0s.)

Response: **Momentum incorporates its objection to Interrogatory No. 15, *supra*. We would not make the decision to serve a customer with a DS1 rather than multiple DS0s. An example is a customer has purchased a digital PBX and wants to change their multiple DS0s to a Primary Rate Interface (PRI, DS1 equivalent). The digital PBX would require a card to terminate the PRI. A PRI card could range from \$1500-\$2500.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 43: What cost of capital do you use in evaluating whether to offer a qualifying service in a particular geographic market and how is that cost of capital determined?

**Objection:** Momentum incorporates its objections to Interrogatory No 15, *supra* and notes that the FCC's TRO specifically contemplates the consideration of financial and related information of an efficient "model" competitor and not that of Momentum or any other *particular competitor*.

Furthermore, it should be noted that the TRO mentions that one consideration of the economic impairment analysis is the cost of capital for the hypothetical "efficient entrant." Specifically, ¶520 of the TRO states that the state "must consider all factors affecting the costs faced by a competitor providing local exchange service to the mass market." See also, TRO at ¶520. Accordingly, Momentum "cost of capital" used in evaluating whether to offer a qualifying service in a particular geographic market and the analysis in determining the cost of capital is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 44: With regard to the cost of capital you use in evaluating whether to provide a qualifying service in a particular geographic market, what are the individual components of that cost of capital, such as the debt-equity ratio, the cost of debt and the cost of equity?

**Objection:** Momentum incorporates its objections to Interrogatory No15, *supra* and notes that the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of Momentum or any other *particular competitor*.

Furthermore, it should be noted that the *TRO* mentions that one consideration of the economic impairment analysis is the cost of capital for the hypothetical "efficient entrant." Specifically, ¶520 of the *TRO* states that the state "must consider all factors affecting the costs faced by a competitor providing local exchange service to the mass market." See also, *TRO* at ¶520. Accordingly, Momentum "cost of capital", or the components thereof, used in evaluating whether to offer a qualifying service in a particular geographic market and the analysis in determining the cost of capital is not relevant or reasonably calculated to lead to the discovery of admissible evidence.



REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 45: In determining whether to offer a qualifying service in a particular geographic market, what time period do you typically use to evaluate that offer? That is, do you use one year, five years, ten years, or some other time horizon over which to evaluate the project?

**Objection:** Momentum incorporates its objections to Interrogatory No. 15, *supra* and notes that the FCC's TRO specifically contemplates the consideration of financial and related information of an efficient "model" competitor and not that of Momentum or any other particular competitor.

Accordingly, Momentum determination of whether to offer a "qualifying service in a particular geographic market" and the time periods involved in such evaluation are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 46: Provide your definition of sales expense as that term is used in your business.

**Response: Momentum's definition of Sales Expense includes costs directly related to acquisition and maintenance of customer base (including sales employees and related costs, telemarketing costs, mailer costs, etc.)**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 47: Based on the definition of sales expense in the foregoing Interrogatory, please state how you estimate sales expense when evaluating whether to offer a qualifying service in a particular geographic market?

**Objection:** Momentum incorporates its objections to Interrogatory No. 15, *supra* and notes that the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of Momentum or any other *particular competitor*.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 48: Provide your definition of general and administrative (G&A) costs as you use those terms in your business.

**Response: Definition of General and Administrative costs—costs not directly associated with the acquisition of customer base (i.e. non-sales costs).**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 49: Based on the definitions of G&A costs in the foregoing Interrogatory, please state how you estimate G&A expenses when evaluating whether to offer a qualifying service in a particular geographic market.

**Objection:** Momentum incorporates its objections to Interrogatory No. 15, *supra* and notes that the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of Momentum or any other *particular competitor*.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 50: For each day since January 1, 2000, identify the number of individual hot cuts that BellSouth has performed for Momentum in each state in BellSouth's region.

**Response:** Upon information and belief, BellSouth is in possession of documents and other information requested in Interrogatory Nos. 50 and 51. Assuming BellSouth will provide such information and documentation to Momentum, Momentum will attempt to confirm or deny the information contained in BellSouth's records.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 51: For each individual hot cut identified in response to Interrogatory No. 50, state:

- i. Whether the hot cut was coordinated or not;
- ii. If coordinated, whether the hot cut occurred as scheduled;
- iii. If the hot cut did not occur as scheduled, state whether this was due to a problem with BellSouth, Momentum, the end-user customer, or some third party, and describe with specificity the reason the hot cut did not occur as scheduled;
- iv. If there was a problem with the hot cut, state whether Momentum complained in writing to BellSouth or anyone else.

**Response:** Upon information and belief, BellSouth is in possession of documents and other information requested in Interrogatory Nos. 50 and 51. Assuming BellSouth will provide such information and documentation to Momentum, Momentum will confirm or deny the information contained in BellSouth's records.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 52: Does Momentum have a preferred process for performing batch hot cuts? If the answer to this Interrogatory is in the affirmative, please describe this process with particularity and identify all documents that discuss, describe or otherwise refer or relate to this preferred process.

**Response: Discovery in this case is continuing in nature and any response to this interrogatory is premature. Momentum is in the process of formulating the case it will present before the Commission and has not formulated a response to this interrogatory at this early stage in the proceeding.**



REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 53: Does Momentum have a preferred process for performing individual hot cuts? If the answer to this interrogatory is in the affirmative, please describe this process with particularity and identify all documents that discuss, describe, or otherwise refer or relate to this preferred process.

**Response:** Momentum preferred process allows the provisioning of loops used for local service to be operationally and competitively neutral, making it the local service counterpart of "equal access" in the long-distance market. This is a process that Momentum has generically referred to as "electronic loop provisioning" ("ELP"). In this environment, consumers would be able to change their local carrier seamlessly, and no carrier would have an inordinate advantage in competing for a mass market customer's business. Implementation of such an electronic provisioning process would create permanent virtual circuits that could use software commands to shift loops from one carrier to another quickly and inexpensively, with no loss or degradation of service.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 54: State whether Momentum agrees that it jointly developed BellSouth's process for individual hot cuts with BellSouth as set forth in the parties' April 15, 2001 Memorandum of Understanding. If Momentum does not agree, explain why and explain Momentum view of its involvement in the development of that process.

**Response: Currently at this time Momentum does not offer hot-cuts.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 55: If Momentum has a preferred process for individual hot cuts that differs from BellSouth's process, identify each specific step in Momentum process that differs from BellSouth's process.

Response: See response to Interrogatory No. 53, *supra*.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 56: If Momentum has a preferred process for bulk hot cuts that differs from BellSouth's process, identify each specific step in Momentum process that differs from BellSouth's process.

**Response: In responding to this Interrogatory, Momentum assumes that BellSouth is referring to the batch hot cut process as defined in BellSouth's First Set of Interrogatories to Momentum. Accordingly, see response to Interrogatory No. 52.**

REQUEST:

BellSouth First Set of Interrogatories

DATED:

December 17, 2003

Interrogatory 57:

Does Momentum have any estimates of what a typical individual hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

**Response:**

**See response to Interrogatory No. 53, *supra* for Momentum preferred individual migration process. Momentum does not have a specific rate at this time, but as a fully electronic solution, it should be no more expensive than a UNE-P or PIC change.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 58: Does Momentum have any estimates of what a typical bulk hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

**Response:** In responding to this Interrogatory, Momentum assumes that BellSouth is referring to a batch hot cut process as defined in BellSouth's First Set of Interrogatories to Momentum. That being the case, Momentum does not have a specific batch rate at this time. However, guidance provided by the FCC suggests that it should be 1) based on TELRIC, TRO at ¶489, low cost, Id. at ¶489, lower than current rates, Id. at ¶487, and comparable to UNE-P, Id. at ¶512, Footnote 1574. See also response to Interrogatory No. 79, *infra*.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 59: What is the largest number of individual hot cuts that Momentum has requested in any individual central office in each of the nine BellSouth states on a single day? In answering this Interrogatory, identify the central office for which the request was made, and the number of hot cuts that were requested. State with specificity what the outcome was for each of the hot cuts in each of the central offices so described, if not provided in response to an earlier interrogatory.

**Response: The requested information is in the possession, custody and control of BellSouth. Assuming BellSouth will provide such information and documentation to Momentum, Momentum will attempt to confirm or deny the information contained in BellSouth's records.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 60: Does any ILEC in the BellSouth region have a batch hot cut process that is acceptable to Momentum or that Momentum believes is superior to BellSouth's batch hot cut process? If so, identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

Response: See Momentum's response to Interrogatory No. 64, *infra*.



REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 61: Does any ILEC in the BellSouth region have a cost for a batch hot cut process that is acceptable to Momentum? If so, name the ILEC and provide the rate and the source of the rate.

**Response: Momentum incorporates its response to Interrogatory No.52 as if fully set forth.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 62: Does any ILEC in the BellSouth Region have an individual hot cut process that is acceptable to Momentum or that Momentum believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

Response: **No ILEC in the BellSouth Region has an individual hot cut process that is acceptable to Momentum.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 63: Does any ILEC in the BellSouth region have a rate for an individual hot cut process that is acceptable to Momentum? If so, name the ILEC and provide the rate and the source of the rate.

**Response: No ILEC has an acceptable rate for an individual hot cut process in BellSouth's region.**

REQUEST:

BellSouth First Set of Interrogatories

DATED:

December 17, 2003

Interrogatory 64:

Does any ILEC outside the BellSouth region have a batch hot cut process that is acceptable to Momentum or that Momentum believes is superior to BellSouth's batch hot cut process? If so, identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

Response:

**ILECs have just begun to provide components or outlines of proposed batch processes in workshops throughout the country; therefore, Momentum does not have sufficient information to respond at this time. However, previous project or bulk processes did have components that were superior to BellSouth's process. For example, upon information and belief, Momentum has heard that Verizon-NY and SBC have "bulk" provisioning processes and allow time specific migrations. Further, Verizon has in place an electronic communications system which offers some advantages over manual phone calls or faxes.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 65: Does any ILEC outside the BellSouth region have a rate for a batch hot cut process that is acceptable to Momentum? If so, name the ILEC and provide the rate and the source of the rate.

**Response: Momentum incorporates its response to Interrogatory Nos. 52 and 64 as if fully set forth.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 66: Does any ILEC outside the BellSouth region have an individual hot cut process that is acceptable to Momentum or that Momentum believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

**Response: Discovery in this case is continuing in nature and any response to this interrogatory is premature. Momentum is in the process of formulating the case it will present before the Commission and has not formulated a response to this interrogatory at this early stage in the proceeding.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 67: Does any ILEC outside the BellSouth region have a rate for an individual hot cut process that is acceptable to Momentum? If so, name the ILEC and provide the rate and the source of the rate.

**Response: Discovery in this case is continuing in nature and any response to this interrogatory is premature. Momentum is in the process of formulating the case it will present before the Commission and has not formulated a response to this interrogatory at this early stage in the proceeding.**

**REQUEST:** BellSouth First Set of Interrogatories

**DATED:** December 17, 2003

**Interrogatory 68:** Does Momentum order coordinated or non-coordinated hot cuts?

**Response:** No.



REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 69: Does Momentum use the CFA database?

**Response: No.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003  
Interrogatory 70: Identify every issue related to BellSouth's hot cut process raised by Momentum at the South Carolina CLEC collaborative since October 2001.

**Response: Currently, at this time Momentum does not offer hot-cuts.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 71: What is the appropriate volume of loops that you contend the South Carolina Public Service Commission should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: **Momentum incorporates its response to Interrogatory No. 52 as if fully set forth.**

**In addition, Momentum is currently without sufficient information to answer this interrogatory with an exact volume or number. Furthermore, Momentum refers BellSouth to ¶489 of the TRO and asserts that the appropriate volume of loops must meet the operational and economic models as defined by the FCC and the TRO. In other words, the requisite volume of loops to meet the TRO and the FCC Rule cited above is that amount required to support demand created by the additional volume of customers added as a result of the implementation of the FCC's TRO, and to ensure unconstrained future growth of competition post TRO implementation.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 72: What is the appropriate process that you contend the South Carolina Public Service Commission should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: **Momentum incorporates its response to Interrogatory No. 52 as if fully set forth.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 73: If Momentum disagrees with BellSouth's individual hot cut process, identify every step that Momentum contends is unnecessary and state with specificity why the step is unnecessary.

Response: See response to Interrogatory No. 53, *supra*.

REQUEST:

BellSouth First Set of Interrogatories

DATED:

December 17, 2003

Interrogatory 74:

If Momentum disagrees with BellSouth's bulk hot cut process, identify every step that Momentum contends is unnecessary and state with specificity why the step is unnecessary.

Response:

**Momentum disagrees with, at a minimum, the following aspects of BellSouth's process, even as an interim batch process to be used in narrow, tailored circumstances:**

- a. It does not appear to be a batch provisioning process, i.e. all the orders are not provisioned at the same time, or even on the same day.
- b. It does not permit time specific cuts.
- c. It does not allow coordinated cuts if a change of facilities is required.
- d. It does not allow after-business-hours cuts, which are necessary to meet customers need to have uninterrupted telephone phone service during business hours.
- e. There is no assurance that services requested by the CLEC to be migrated on the same "batch" order will in fact be worked on the same day, undermining significantly the ability of the CLEC to impact the quality and timing of the cut-over. Indeed, BellSouth appears to provision its batch orders no differently than its individual orders.
- f. There is no assurance that all of an individual customer's lines will be cut on the same day, creating further customer satisfaction issues. For example, BellSouth could create groups of lines to migrate that included some of one customer's lines and some of another customer's lines but not all of either customer's lines.
- g. BellSouth is unwilling to commit to the number of lines or customers it will provision per day.
- h. BellSouth's process does not provide for any additional safeguards, such as real-time communication between the two companies during the conversion process, or a process for timely service restoration in the event of a problem.
- i. There are no cost savings to the CLEC from using

**this process.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 75: Identify by date, author and recipient every written complaint Momentum has made to BellSouth regarding BellSouth's hot cut process since October 2001.

Response: **Currently, at this time Momentum does not offer hot-cuts.**



**REQUEST:** BellSouth First Set of Interrogatories

**DATED:** December 17, 2003

**Interrogatory 76:** How many unbundled loops does Momentum contend BellSouth must provision per state per month to constitute sufficient volume to assess BellSouth's hot cut process?

**Response:** See response to Interrogatory No. 71, *supra*.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 77: What is the appropriate information that you contend the South Carolina Public Service Commission should consider in evaluating whether the ILEC is capable of migrating multiple lines served using unbundled local circuit switching to switches operated by a carrier other than the ILEC in a timely manner in establishing a batch hot cut process consistent with FCC Rule 51.310(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response: The FCC's TRO ¶512 and Footnote 1574 outlines the overall or high level criteria that the South Carolina Public Service Commission should consider when evaluating the question posed in Interrogatory No. 77.**

**In addition to the above, discovery in this case is continuing in nature and the response to this interrogatory may evolve as Momentum formulates the case it will present before the Commission**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 78: What is the average completion interval metric for provision of high volumes of loops that you contend the South Carolina Public Service Commission should require in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: **The FCC's TRO ¶512 and Footnote 1574 outlines the overall or high level criteria that the South Carolina Public Service Commission should consider when evaluating the question posed in Interrogatory #78. According to the FCC's Rules and the TRO, the average completion interval metric for provision of high volumes of loops must be, at a minimum, equal to the order completion interval for UNE-P. See, TRO ¶512, Footnote 1574.**

**In addition to the above, discovery in this case is continuing in nature and the response to this interrogatory may evolve as Momentum formulates the case it will present before the Commission.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 79: What are the rates that you contend the South Carolina Public Service Commission should adopt in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:** As indicated in the FCC Rule referenced above, rates must be set in accordance with the FCC UNE Pricing Rules. Furthermore, pursuant to ¶470 of the TRO, rates must be sufficiently low to overcome “impairment” and to allow CLECs to overcome the economic barriers associated with the hot cut process. See also response to Interrogatory No. 59, *supra*.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 80: What are the appropriate product market(s) that you contend the South Carolina Public Service Commission should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response: Discovery in this case is continuing in nature and any response to this interrogatory is premature. Momentum is in the process of formulating the case it will present before the Commission and has not formulated a response to this interrogatory at this early stage in the proceeding.**

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 81: What are the appropriate geographic market(s) that you contend the South Carolina Public Service Commission should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:** See response to Interrogatory No. 80.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 82: Do you contend that there are operational barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(2) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such operational barrier, and state all facts and identify all documents supporting your contention.

Response: See response to Interrogatory No. 80.

REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 83: Do you contend that there are economic barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(3) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such economic barrier, and state all facts and identify all documents supporting your contention.

**Response:** See response to Interrogatory No. 80.




REQUEST: BellSouth First Set of Interrogatories

DATED: December 17, 2003

Interrogatory 84: What is the maximum number of DS0 loops for each geographic market that you contend requesting telecommunications carriers can serve through unbundled switching when serving multilane end users at a single location that the South Carolina Public Service Commission should consider in establishing a "cutoff" consistent with FCC Rule 51.319(d)(2)(iii)(B)(4)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: See response to Interrogatory No. 80.

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December 17, 2003

**CERTIFICATE OF SERVICE**

I, the undersigned employee of the law offices of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for Momentum Business Solutions, do hereby certify that I have a copy of the pleading(s) hereinbelow specified via e-mail to the following address(es):

**Pleadings:**        **Momentum Business Solution's Responses to BellSouth Telecommunication Inc.'s First Set of Interrogatories**

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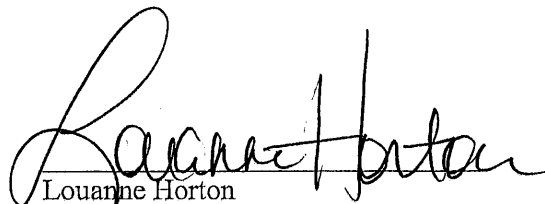
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